

Legal Access for Elders: A Workable Court Model in Cook County, Illinois

by Hon. Patricia Banks

A 70 year-old woman has a grandson who is running up unauthorized charges on her credit card; an 80 year-old homeowner ignored a city citation for failure to cut his grass, resulting in a money judgment and property lien; a caregiver is overreaching and financially exploiting a 90 year-old man; an 82 year-old woman, with seemingly good health, and cognition is outside in the dark, retrieving throw rugs from a trash bin and looking for contractor nails on the ground to hang her family photos.

Would an Elder Justice Center address these issues?

The Honorable Timothy C. Evans, Chief Judge of the Circuit Court of Cook County, Illinois, created a division of the Court to focus on socio-legal issues of seniors, such as the above described scenarios. He appointed Honorable Patricia Banks as the first Presiding Judge to implement and coordinate the new division, now known as the Elder Law and Miscellaneous Remedies Division (ELMRD). The Cook County Elder Justice Center (“Center”) is a vibrant part of the Division, which also includes multiple elder protection courts. Judges assigned to the elder protection courts hear cases involving abuse, neglect, and financial exploitation of seniors, and routinely rely on the support services of the Center.

The Center is conveniently located in Cook County’s largest courthouse, the Richard J. Daley Center. Cook County residents age 60 and over, and their caregivers, are eligible to receive a multitude of free services. Eligible residents may walk into the Center for services or schedule an appointment. The 192 judges who preside over cases in the Daley Center regularly refer senior litigants to the Center for information, consultation, and other services.

A modest start-up budget was appropriated by the Office of the Chief Judge for the Center. It included approximately 4,000 square feet of space, telephones, office supplies, computers, desks, chairs, and two full-time staff members. Later, an appropriation for a social worker was added. A year prior to the Center’s September 2013 launch, the Presiding Judge recruited a 35-member multi-disciplinary task force.¹ These task force members provide a direct entrée to the supplemental services and agencies that they represent. Task force members are an integral part of the Center’s overall operation. They have assisted in the development of training manuals, brochures, literature, work flow charts, and marketing strategies, as well as with distribution of resource materials and literature. They also participate in senior health

¹ The Task Force proved to be a powerful resource, critical to the creation and ongoing sustainability of the Center. Members of the Task Force include representatives from the offices of the Attorney General, States Attorney, Public Defender, law enforcement, the Clerk of the Circuit Court, the Public Guardian, Directors of the two Area Agencies on Aging, Directors of legal aid organizations, law schools and graduate school of social work deans, bankers, accountants, investment brokers, elder law practitioners, media specialist, real estate brokers and journalists, judges, faith based and community representatives, and law enforcement representatives.

fairs, workshops, and seminars. They identify and recruit personnel, attorneys, law students, community volunteers—and they provide training.

With delivery of legal services to older persons seriously compromised due to budgetary reasons, and education programs designed to protect seniors at a minimum, the Center has emerged as a working model. It shows tremendous promise for those courts wishing to develop an effective response to the proliferation of elderly older litigants in the nations' court systems.

On-Site Legal Clinic: Elder Law & Wellness Initiative (ELWI)

ELWI is a nonprofit legal clinic, sited in the Center since October 2014. The clinic currently provides legal advice and consultations to over 250 seniors monthly on matters such as mortgage foreclosures, benefits, housing, bankruptcy, debt collection, landlord-tenant, guardianships, abuse, neglect, and financial exploitation. Attorney services may also include drafting simple motions; assistance with completing court forms such as fee waivers, appearances, answers; or composing demand letters. Volunteer attorneys range in experience from new admittees to retired judges. Their practices range from sole practitioners to partners in major law firms, with legal knowledge and expertise in many diverse areas of the law. The legal clinic's Executive Director, seasoned attorneys, legal-aid organizations, and Task Force members provide training.



Senior Enrichment Seminar Series

Another significant Center offering is the Senior Enrichment Seminar Series. These seminars are tailored to accomplish multiple goals, such as: problem solving, information, empowerment, awareness, and prevention. They address common issues that cause seniors to come in contact with the court system (e.g., debt collection, reverse mortgages, financial literacy, real estate fraud, housing, substance abuse, benefits, powers of attorney, abuse, neglect and financial exploitation). Law school externs research and provide materials for the seminar attendees. These bi-weekly seminars enjoy a loyal following of seniors, with attendance ranging between 60 to 100 persons per session.

All seminars are widely marketed and listed on the ELMR Division webpage.² The websites of the Illinois Attorney General, Clerk of the Circuit Court of Cook County and Cook County Recorder of Deeds include links to the ELMR Division webpage.

The seminar series has a far-reaching impact. County offices, veterans groups, financial institutions, bar associations, faith-based organizations, senior centers, and entities dealing with seniors have invited seminar panelists to present in other venues, while others ask to participate as panelists or to present seminars as part of the series.

Social Service Resources and Social Security Express Portal

The Center's social worker assists and counsels seniors who present with issues such as abuse, neglect, mental, medical, and housing problems. Benefit check-ups, short-term case management, and assessments are available through the Center's social worker. Since joining the Center's staff, the social worker has upgraded the Center's comprehensive directory, and also has compiled resources for guardians. The Center's extensive reference library and referral network, along with the personal attention provided by trained staff members and volunteers, make it possible to provide wrap-around services.

The Social Security Administration (SSA) initially piloted its Social Security Express portal in the Center and now annually updates its program to allow seniors

² Please see <http://www.cookcountycourt.org/ABOUTTHECOURT/CountyDepartment/ElderLawMiscellaneousRemediesDivision/FreeSeminarSeriesEJC.aspx>.

direct access to apply for and monitor SSA benefits. The Center's staff assists seniors with free email account setup and requesting replacement Medicare cards.

Language Access and Other Assistive Devices

The Circuit Court of Cook County serves many ethnic groups. The Center is equipped to assist limited or non-English speaking as well as visually and hearing impaired customers. This allows for a diverse population of seniors to receive meaningful consultations and to participate in senior enrichment seminars and courthouse tours. Assistive listening devices, Communication Access Real-time Translation (C.A.R.T.) services, and interpreter services are available for this purpose. A Language Line is located in the Center, which provides interpretation services for 20 languages via a double headset telephone. The Center can schedule an in-person interpreter, subject to adequate notice. A number of Task Force members and Center volunteers are bilingual and are available to translate (i.e., Chinese American League and the Coalition for Limited English Speaking Elderly (C.L.E.A.S.E)).

Senior Peer Counselor Program

The Senior Peer Counselors Program assists seniors with navigating the Court system by clarifying and providing information on processes and procedures; connecting seniors to resources and services; lending a supporting ear; and serving as escorts to courtrooms, the Center, and various County offices (e.g., vital statistics, recorder of deeds, sheriff, and clerk). Senior Peer Counselors undergo a rigorous 10-week training program to hone their skills on the art of listening, mindfulness, legal terminology, signs and symptoms of abuse and neglect, and more. Victim advocacy, including role-playing, is part of the curriculum. The Senior Peer Counselors commit to a service term of six to twelve months. While based in the Cook County Elder Justice Center, the counselors are detailed to courtroom floors where senior litigants are more likely to appear, such as landlord-tenant, consumer, housing, mortgage foreclosure, and guardianship. Senior Peer Counselors are volunteers who must be 55 and older. Experts, such as representatives from Adult Protective Services agencies, volunteer their time to train these Senior Peer Counselors.

Senior Courthouse Tours

Senior Courthouse Tours are designed to familiarize seniors with key sites in the courthouse such as where to file cases, serve summons, and request fee waivers. Seniors are shown the locations of certain courtrooms namely debt collection, guardianship and housing. Court tour participants learn to more comfortably navigate the Court system and receive important information about the structure of the Court and the services provided to seniors.

Conclusion

A full-service senior center, providing holistic services, is the best way to describe the Circuit Court of Cook County Elder Justice Center. This Center has witnessed phenomenal growth since its inception. Over 7,000 Cook County seniors have sought and received direct services since the Center opened. This model can be replicated through the role of the court as a convener and mobilizer of multiple stakeholders. An Elder Justice Center in the heart of a courthouse offers a user-friendly setting, giving the genuine appearance of accessibility to justice.

The Hon. Patricia Banks serves on the Executive Committee of the Circuit Court of Cook County and is Presiding Judge of the Elder Law and Miscellaneous Remedies Division of the Circuit Court. She is Chair of the ABA Commission on Law and Aging. ■

